

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CSI CONSTRUCTION COMPANY, a
Colorado corporation,

Plaintiff,

v.

ESTATE OF GARY PRICE,

Defendant.

No. 4:14-CV-5035-EFS

ORDER DISMISSING CASE

On November 11, 2013, Plaintiff CSI Construction Company filed its complaint in the U.S. District Court for the District of Oregon naming two defendants: Campbell's Siding & Windows and Gary Price. ECF No. 1. On January 6, 2014, Defendants filed their answer. ECF No. 9. On March 14, 2014, the parties agreed to transfer this case to the Eastern District of Washington after which discovery commenced. ECF No. 13. On July 10, 2015, the Court received notice that Defendant Gary Price died. ECF No. 31. The Court struck all deadlines and the trial date. ECF No. 31. On September 24, 2015, Plaintiff filed a motion to substitute the Estate of Gary Price in as a defendant arguing that the death of Mr. Price did not extinguish the claims. ECF No. 35. The Court granted the motion, removed Gary Price as a defendant, and substituted the Estate of Gary Price in as a

1 defendant. ECF No. 37. The Court ordered that Plaintiff serve the
2 Court's order on the Estate of Gary Price, which it did. *Id.*

3 On February 12, 2016, the Plaintiff and Defendant Campbell's
4 Siding & Windows reached a settlement and stipulated to dismissal of
5 the case against Campbell's Siding & Windows. The Court granted the
6 stipulation and dismissed Campbell's Siding & Windows as a defendant
7 in this matter.

8 On March 7, 2016, Plaintiff filed a notice of voluntary
9 dismissal. ECF No. 41. Because Defendant Estate of Gary Price never
10 filed an answer or motion for summary judgment, pursuant to Federal
11 Rule of Civil Procedure 41(a), Plaintiff may dismiss this action
12 without a Court order. Therefore, consistent with Plaintiff's notice
13 and Federal Rule of Civil Procedure 41(a), **IT IS HEREBY ORDERED:**

14 1. Plaintiff's Notice of Dismissal Without Prejudice, **ECF No.**
15 **41**, is **GRANTED**.

16 2. All claims are **DISMISSED WITHOUT PREJUDICE**, with all
17 parties to bear their own costs and attorneys' fees.

18 3. All pending motions are **DENIED AS MOOT**.

19 4. All hearings and other deadlines are **STRICKEN**.

20 5. The Clerk's Office is directed to **CLOSE** this file.

21 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
22 Order and provide copies to all counsel.

23 **DATED** this 8th day of March 2016.

24 s/Edward F. Shea

25 EDWARD F. SHEA

26 Senior United States District Judge